IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.15354 of 1995

Between:

Asadi Venkatesu S/o. Yallappa
Namala Village H/o. Pyadindi
C.K.Palli Mandalam Anantapur dist.

...PETITIONER

AND

1 The District Collector,
Anantapur.
2 The Joint Collector,
Anantapur.
3 The Mandal Revenue Officer, C.K.Palli Mandalam,
Anantapur District.
4 Asadi Pedda Kullayappa S/o. Pedda Linganna,
Nanala Village, H/o. Pyadindi,
C.K.Palli Mandal Anantapur District.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ of Mandamus or any other appropriate writ or direction declaring the order of the 1st Respondent passed in D.Dis (A6) 1032/95 dated 14.06.1995 as illegal arbitrary and without jurisdiction and consequently direct the 3rd respondent to initiate proceedings under A.P. Assigned Lands (Prohibition of Transfers) Act 1977.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents: GP FOR REVENUE

The Court made the following :

ORDER:

This writ petition is filed to declare the order dated 14.06.1995 passed by the 1st respondent as illegal and arbitrary and consequently to direct the 3rd respondent to initiate proceedings under the A.P. Assigned

Lands (Prohibition of Transfers) Act 1977.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

A counter affidavit has been filed on behalf of the respondents stating that an appeal lies to the Revenue Divisional Officer against the orders of the Assigning Authority and a revision lies to the District Collector against the orders of the Revenue Divisional Officer. However, the revisional powers with regard to the assignment of various lands vested with the Collector have been delegated to the Joint Collector vide G.O.Ms.No.77 Rev. dated 22.01.1968 and therefore the District Collector cannot exercise the revisional powers over the orders of the Joint Collector.

In view of the fact that the powers as to assignment of various lands vested with the Collector have been delegated to the Joint Collector as stated in the counter affidavit

and that the District Collector cannot exercise the revisional powers on the orders of the Joint Collector, the order dated 14.06.1995 passed by the 1st respondent is set aside. Accordingly, the writ petition is allowed. However, it shall be open to the contesting respondent herein to avail any other remedy available under the law. There shall be no order as to costs.

09.06.2005

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Copy To:

1 The District Collector,
Anantapur.
2 The Joint Collector,
Anantapur.
3 The Mandal Revenue Officer, C.K.Palli Mandalam,
Anantapur District.

4. Two CCs to GP for Revenue, High Court Buildings, Hyderabad (OUT).

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